

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF NURSING

In the Matter of Karen A. Corcoran, L. P.N.

License No. 43071-9

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

The above-entitled matter came on for prehearing conference before Administrative Law Judge Barbara L. Neilson commencing at 1:30 p.m. on May 30, 2006, at the offices of the Board of Nursing in Minneapolis, Minnesota. Peter Krieser, Assistant Attorney General, Suite 1400, 445 Minnesota Street, St. Paul, Minnesota 55101-2131, appeared on behalf of the Minnesota Board of Nursing. There was no appearance by or on behalf of the Respondent, Karen A. Corcoran, L.P.N., 1004 – 2nd Avenue #H-6, Onalaska, Wisconsin 54650. The OAH record closed on May 30, 2006.

NOTICE

This Report is a recommendation, not a final decision. The Board will make the final decision after a review of the record. The Board may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact the Executive Director of the Minnesota Board of Nursing, Suite 500, 2829 University Avenue, S.E., Minneapolis, Minnesota 55414 (telephone: 612-617-2296), to ascertain the procedure for filing exceptions or presenting argument.

If the Board fails to issue a final decision within 90 days of the close of the record, this report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a. The record closes upon the filing of exceptions to the report and the presentation of argument to the Board, or upon the expiration of the deadline for doing so. The Board must notify the parties and the Administrative Law Judge of the date on which the record closes.

Pursuant to Minn. Stat. § 14.62, subd. 1, the Agency is required to serve its final decision upon each party and the Administrative Law Judge by first-class mail or as otherwise provided by law.

STATEMENT OF THE ISSUE

The issue in this case is whether or not disciplinary action should be taken against the L.P.N. license of the Respondent under Minn. Stat. § 148.261, or whether costs or a civil penalty should be imposed against the Respondent under Minn. Stat. § 148.262, based upon allegations that she misrepresented her past misuse of an illegal chemical substance on her application and thereby attempted to procure a nursing registration certificate by deceit in violation of Minn. Stat. § 148.261, subd. 1(2); she violated a rule adopted by the Board, an order of the Board, or a state or federal law relating to the practice of nursing, or a state or federal narcotics or controlled substance law in violation of Minn. Stat. § 148.261, subd. 1(18); and she failed to cooperate with an investigation of the Board, in violation of Minn. Stat. §§ 148.261, subd. 1(23) and 148.265.

Based upon the record in this matter, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On April 27, 2006, the Notice and Order for Prehearing Conference and Hearing in this matter was mailed to the Respondent at the following address: Karen A. Corcoran, L.P.N., 1004 – 2nd Avenue #H-6, Onalaska, Wisconsin 54650.^[1]

2. The Notice of and Order for Prehearing Conference and Hearing contained the following notice:

Respondent's failure to appear at the prehearing conference, settlement conference, or hearing may result in a finding that the Respondent is in default, that the allegations contained in this Notice and Order for Prehearing Conference and Hearing may be accepted as true, and its proposed action may be upheld.^[2]

3. The Notice and Order for Prehearing Conference and Hearing scheduled a prehearing conference for May 30, 2006.^[3]

4. The Respondent did not file any Notice of Appearance with the Administrative Law Judge or contact the Administrative Law Judge to request a continuance prior to the May 30, 2006, prehearing conference. The Respondent did not personally appear at the prehearing conference in this matter scheduled for May 30, 2006, or have an appearance made on her behalf.

5. The allegations set forth in the Notice and Order for Prehearing Conference and Hearing, having been deemed proved and taken as true, are hereby incorporated into these Findings by reference.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Minnesota Board of Nursing and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 214.10, 214.103 and 14.50.

2. The Respondent was given timely and proper notice of the Prehearing Conference in this matter.

3. The Minnesota Board of Nursing has complied with all relevant procedural requirements of statute and rule.

4. Under Minn. Rule 1400.6000, the Respondent is in default as a result of her failure to appear at the scheduled prehearing conference.

5. Under Minn. Rule 1400.6000, when a party defaults, the allegations and the issues set out in the Notice and Order for Prehearing Conference and Hearing may be taken as true and deemed proved. The Administrative Law Judge therefore takes those allegations and issues as true and deemed proved.

6. Based upon the facts set out in the Notice and Order for Prehearing Conference and Hearing, the Respondent has violated Minn. Stat. §§ 148.261, subd. 1(2), (18), and (23), and 148.265, and is subject to disciplinary action by the Minnesota Board of Nursing.

7. An order by the Board prescribing disciplinary action against the Respondent is in the public interest.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RESPECTFULLY RECOMMENDED: that appropriate disciplinary action be taken against Karen A. Corcoran, L.P.N., by the Minnesota Board of Nursing and that appropriate costs and a civil penalty be imposed.

Dated: June 26, 2006

s/Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge

Reported: Default (no tape recording).

^[1] See Affidavit of Service by Mail attached to Notice of and Order for Prehearing Conference and Hearing.

^[2] Notice and Order for Prehearing Conference and Hearing at 2.

^[3] *Id.* at 1.